

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEVIN DOOLEY, :
 :
 Plaintiff, : 18 Civ. 7136 (GWG)
 :
 -v.- : ORDER
 :
 UNITED STATES OF AMERICA, :
 :
 Defendant. :
 -----X
GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Plaintiff Kevin Dooley has made a number of motions in limine to exclude categories of evidence.¹ While the Court will eventually issue a written or oral decision on the motions at or before trial, we issue this order now so that the parties will be aware well in advance of trial that we deny the motions to exclude the testimony of Dr. David Bizzak, including the testimony based on his second report. The only possible exception to this ruling may be that the Court will bar Dr. Bizzak from referring to “proximate causation” rather than to simply “causation” as that term is understood by the average person.

SO ORDERED.

Dated: October 20, 2021
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge

¹ See Plaintiff’s Second Pretrial Memorandum, filed August 17, 2021 (Docket # 80); Defendant’s Memorandum of Law in Opposition, filed September 15, 2021 (Docket # 83); Declaration of Danielle J. Levine in Opposition, filed September 15, 2021 (Docket # 84).